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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/455,956 12/07/99 HAMEEN-ANTTILA

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EXAMINER

WHITE, J.

ART UNIT

PAPER NUMBER

3713

DATE MAILED:

12/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/455,956

Applicant(s)

HAMEEN-ANTTILA, TAPIO

Examiner

Carmen D. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Specification- 112 1st Paragraph

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of 37 CFR 1.71(a)-(c):

- (a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.
- (b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.
- (c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

2. The specification is objected to under 37 CFR 1.71 because it fails to adequately teach how to make and/or use the invention, i.e., failing to provide an enabling disclosure. The disclosure states that various types of input devices such as Personal Digital Assistants (PDA), mobile phones, pagers, two-way radio, sports specific devices and smart phones could be used to communicate the sports data. Applicant further discloses that sports server is able to communicate with any of the aforementioned types of input devices. However, applicant has not provided any specific software or hardware to allow the system of the instant invention to achieve this communication

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between the server and various types of input devices. The specification is quite general. One of ordinary skill in the art would recognize that just out of the group of the many types of input devices listed above, there are still many specific types of each. For instance there are many different types of mobile phone and pager systems and networks. What type of "universal" hardware and software is used in the instant invention to accommodate all of these differences? What are the components of this hardware/software?

Claim Rejections - 35 USC § 112- 1st Paragraph

3. Claims 4, 6-8 and 10-21 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the step of "determining the display and communication parameters for the mobile terminal" is achieved. As stated above, what hardware/software is used? What are the components of the hardware/software that achieves this function? Claim 13 discloses a "filter adapting device" for performing this function. However, the specification does not disclose what the components of the "filter adapting device" are and how it works.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 9-11 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu (GB 2249202A) or Lobb et al (5,810,680).

Regarding claims 1, 3, Osamu or Lobb et al disclose a system of transmitting sport data between a mobile terminal and a sport server the system including the following steps: establishing communication between the mobile terminal and the sport server via a communications network; inputting sport data into the mobile terminal; transmitting the inputted sport data; and recording the data into a database (Osamu-abstract, #52; Lobb et al- Fig. 2, Fig. 2A, abstract). While Osamu or Lobb et al teaches the use of the system for a particular sport, golf, the references do not teach the step of allowing the user to select a sport to which the sport data pertains. It would have been obvious to a person of ordinary skill in the art to use the computer sports data systems of Osamu or Lobb to store various types of sports information. This is merely a matter of design choice. The use of computers to input various types of information and store them in different databases is well known in the art.

Regarding claims 2, Osamu or Lobb et al teaches all the limitations of the claims as discussed above. The references further teach the determination of a geographical location of the mobile terminal (Osamu-abstract; Lobb et al- abstract). While Osamu or Lobb teach that the communication between the mobile terminal and the sports server is specific to the area in which the mobile terminal is located, the references do not teach the accessing of different sports databases in response to the geographical information. It would have been obvious to include this feature in the systems of Osamu

or Lobb et al as a matter of programming the software of the systems to access various databases. This is merely a matter of design choice.

Regarding claims 5 and 9-11, 13-20, Osamu or Lobb et al disclose all the limitations of the claims as discussed above. Osamu or Lobb et al further teach the prompting of the users to input information (Lobb et al- col. 9, lines 14-17; Osamu- page 8, 5th paragraph; Fig. 1). The references lack teaching the inputting of a particular type of sport. It would have been obvious to include this feature in Osamu or Lobb et al as a matter of design choice. This would merely involve including this feature in the software programs of Osamu or Lobb et al.

6. Claims 4, 6-8, 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu or Lobb et al in view of Rudow et al (5,878,369).

Regarding claim 4,6-8, 12 and 21 Osamu or Lobb et al disclose all the limitations of the claims as discussed above. The references lack disclosing the identification of a type of output device. In an analogous sports database system, Rudow et al teaches the assignment of a unique ID number to mobile units (col. 5, lines 6-7). It would have been obvious to a person of ordinary skill in the art to employ ID numbers in the systems of Osamu or Lobb et al to allow the systems to determine what type of output device each of the mobile units are.

Examiner's Comments

7. As stated above in the 112 1st paragraph rejections and the 103(a) rejections, the claim feature regarding allowing the user to input data relating to different sports is not enabled by Applicant's specification. The examiner asserts that it is well known in the

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art of computer communications in which databases are used to create various databases to store different types of data, as a matter of design choice. It is totally within the system and software capabilities of Osamu or Lobb et al to include the storage of various types of sports data.

Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bohn teaches a mobile terminal for inputting soccer statistical data. LaDue teaches a wireless system for inputting sports data, regarding wager information, for various types of games. Wang et al and Rosen et al teach mobile devices that have GPS location systems.


USPTO Contact Information


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday-Friday, 8:30 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for regular communications and 703-305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.


Carmen White
Patent Examiner


VALENCIA MARTIN-WALLACE
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